

CLOSED,TYPE-I

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:11-cv-00288-JEB**

CENTER FOR SCIENCE IN THE PUBLIC INTEREST v.
UNITED STATES DEPARTMENT OF AGRICULTURE
Assigned to: Judge James E. Boasberg
Cause: 05:552 Freedom of Information Act

Date Filed: 02/02/2011
Date Terminated: 10/16/2012
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**CENTER FOR SCIENCE IN THE
PUBLIC INTEREST**

represented by **Adina Rosenbaum**
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TERMINATED: 10/27/2011

Plaintiff

WHITEWAVE FOODS COMPANY
In Case No. 11-cv-1231

represented by **Charles Morton English, Jr.**
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V.

Defendant

**UNITED STATES DEPARTMENT OF
AGRICULTURE**

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V.

Intervenor Defendant

AURORA DAIRY CORPORATION
doing business as
AURORA ORGANIC DAIRY

represented by **Nancy Southard Bryson**
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Date Filed	#	Docket Text
02/02/2011	<u>1</u>	COMPLAINT against UNITED STATES DEPARTMENT OF AGRICULTURE (Filing fee \$ 350, receipt number 4616036238) filed by CENTER FOR SCIENCE IN THE PUBLIC INTEREST. (Attachments: # <u>1</u> Civil Cover Sheet)(td,) (Entered: 02/03/2011)
02/02/2011		SUMMONS (3) Issued as to UNITED STATES DEPARTMENT OF AGRICULTURE, U.S. Attorney and U.S. Attorney General (td,) (Entered: 02/03/2011)
02/02/2011	<u>2</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Michael H. Page, :Firm- Public Citizen Litigation Group, :Address- 1600 20th Street NW. Phone

		No. – 202–588–7733. by CENTER FOR SCIENCE IN THE PUBLIC INTEREST (td,) (Entered: 02/03/2011)
02/03/2011	<u>3</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by CENTER FOR SCIENCE IN THE PUBLIC INTEREST (Rosenbaum, Adina) (Entered: 02/03/2011)
02/03/2011	<u>4</u>	ORDER Establishing Procedures for Electronic Filing for Cases Assigned to Judge Colleen Kollar–Kotelly, signed on February 3, 2011. (SM) (Entered: 02/03/2011)
02/03/2011		MINUTE ORDER granting <u>2</u> Motion to Appear Pro Hac Vice as to Michael H. Page, contingent upon Attorney Page certifying to the Court that he is familiar with the Local Rules of this Court. Signed by Judge Colleen Kollar–Kotelly on February 3, 2011. (SM) (Entered: 02/03/2011)
02/03/2011	<u>5</u>	NOTICE of Filing of Supplemental Page Declaration by CENTER FOR SCIENCE IN THE PUBLIC INTEREST re Order on Motion for Leave to Appear Pro Hac Vice, (Attachments: # <u>1</u> Declaration Page Supplemental Declaration in Support of Motion to Appear Pro Hac Vice)(Rosenbaum, Adina) (Entered: 02/03/2011)
03/02/2011	<u>6</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint by UNITED STATES DEPARTMENT OF AGRICULTURE (Attachments: # <u>1</u> Text of Proposed Order)(Ross, Carl) (Entered: 03/02/2011)
03/03/2011		MINUTE ORDER granting <u>6</u> Defendant's Consent Motion for Extension of Time to Answer or Otherwise Respond to the Complaint. Accordingly, Defendant shall have until and including April 18, 2011, to file an answer or otherwise respond to Plaintiff's complaint. Set/Reset Deadline: Defendant's Answer due by 4/18/2011. Signed by Judge Colleen Kollar–Kotelly on March 3, 2011. (SM) (Entered: 03/03/2011)
03/30/2011		Case Randomly Reassigned to U.S. District Judge James E. Boasberg. Judge Colleen Kollar–Kotelly no longer assigned to the case. (jeb,) (Entered: 03/30/2011)
04/13/2011	<u>7</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint by UNITED STATES DEPARTMENT OF AGRICULTURE (Attachments: # <u>1</u> Text of Proposed Order)(Ross, Carl) (Entered: 04/13/2011)
04/14/2011		MINUTE ORDER granting <u>7</u> Motion for Extension of Time to Answer. Defendant shall now have until and including June 2, 2011, to file an answer to Plaintiff's complaint. Signed by Judge James E. Boasberg on 4/14/2011.(lcjeb3) (Entered: 04/14/2011)
04/14/2011		Set/Reset Deadlines: Answer to the complaint due by 6/2/2011. (tg,) (Entered: 04/15/2011)
06/02/2011	<u>8</u>	ANSWER to <u>1</u> Complaint by UNITED STATES DEPARTMENT OF AGRICULTURE.(Ross, Carl) (Entered: 06/02/2011)
06/03/2011	<u>9</u>	ORDER directing parties to consult and file a joint proposed briefing schedule on or before July 5, 2011. Signed by Judge James E. Boasberg on 6/3/2011.(lcjeb3) (Entered: 06/03/2011)
06/03/2011		Set/Reset Deadlines: Parties shall consult and file a joint proposed briefing schedule on or before 7/05/2011. (ad) (Entered: 06/03/2011)
06/07/2011	<u>10</u>	MOTION for Order of <i>Briefing Schedule</i> by CENTER FOR SCIENCE IN THE PUBLIC INTEREST (Page, Michael) (Entered: 06/07/2011)
06/08/2011	<u>11</u>	MOTION to Stay by UNITED STATES DEPARTMENT OF AGRICULTURE (Attachments: # <u>1</u> Text of Proposed Order)(Ross, Carl) (Entered: 06/08/2011)
06/09/2011	<u>12</u>	Memorandum in opposition to re <u>11</u> MOTION to Stay filed by CENTER FOR SCIENCE IN THE PUBLIC INTEREST. (Page, Michael) (Entered: 06/09/2011)
06/21/2011	<u>13</u>	Memorandum in opposition to re <u>10</u> MOTION for Order of <i>Briefing Schedule</i> filed by UNITED STATES DEPARTMENT OF AGRICULTURE. (Ross, Carl)

		(Entered: 06/21/2011)
07/12/2011		MINUTE ORDER: On the Court's own motion, and upon consideration of the entire record herein, it is hereby ORDERED that the Court will hold a status conference in this action on July 21, 2011, at 10:00 a.m. in Courtroom 19. Signed by Judge James E. Boasberg on 7/12/2011. (lcjeb3) (Entered: 07/12/2011)
07/13/2011		Set/Reset Hearings: A Status Conference is set for 7/21/2011 at 10:00 AM in Courtroom 19 before Judge James E. Boasberg. (ad) (Entered: 07/13/2011)
07/14/2011	<u>14</u>	NOTICE of Appearance by Nancy Southard Bryson on behalf of AURORA DAIRY CORPORATION (znmw,) (Entered: 07/15/2011)
07/14/2011	<u>15</u>	NOTICE of Appearance by Alison Suthers on behalf of AURORA DAIRY CORPORATION (znmw,) (Entered: 07/15/2011)
07/14/2011	<u>16</u>	MOTION to Intervene as a Defendant by AURORA DAIRY CORPORATION (Attachments: # <u>1</u> Exhibit A – Proposed Answer and Crossclaim, # <u>2</u> Corporate Disclosure Statement, # <u>3</u> Text of Proposed Order, # <u>4</u> Certificate of Service)(znmw,) (Entered: 07/15/2011)
07/14/2011	<u>17</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Livia M. Kisner, :Firm– BARACK FERRAZZANO KIRSCHBAUM &NAGELBERG LLP, :Address– 200 West Madison Street, Suite 3900, Chicago, IL 60606. Phone No. – (312) 984–3100. by AURORA DAIRY CORPORATION (znmw,) (Entered: 07/15/2011)
07/14/2011	<u>18</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Mark Steven Mester, :Firm– LATHAM &WATKINS LLP, :Address– 233 South Wacker Drive, Suite 5800, Chicago, IL 60606. Phone No. – (312) 876–7700. by AURORA DAIRY CORPORATION (znmw,) (Entered: 07/15/2011)
07/15/2011		MINUTE ORDER: The status conference previously set for July 21, 2011, at 10:00 a.m. is hereby VACATED, and is rescheduled for July 21, 2011, at 11:00 a.m., in Courtroom 19. Signed by Judge James E. Boasberg on 7/15/2011. (lcjeb1) (Entered: 07/15/2011)
07/15/2011		MINUTE ORDER GRANTING <u>16</u> Motion to Intervene by AURORA DAIRY CORPORATION. Signed by Judge James E. Boasberg on 07/15/2011. (lcjeb2) (Entered: 07/15/2011)
07/15/2011		MINUTE ORDER GRANTING <u>17</u> Motion for Leave to Appear Pro Hac Vice for Livia M. Kisner; and GRANTING <u>18</u> Motion for Leave to Appear Pro Hac Vice for Mark Steven Mester. Signed by Judge James E. Boasberg on 07/15/2011. (lcjeb2) (Entered: 07/15/2011)
07/15/2011		Set/Reset Hearings: The Status Conference previously set for 7/21/2011 at 10:00 AM is hereby VACATED, and is rescheduled for 7/21/2011 at 11:00 AM in Courtroom 19 before Judge James E. Boasberg. (ad) (Entered: 07/15/2011)
07/18/2011		MINUTE ORDER: At intervenor's request and with the consent of all parties, the status conference previously set for July 21, 2011, at 11:00 a.m. is hereby VACATED, and is rescheduled for July 28, 2011, at 10:00 a.m., in Courtroom 19. Signed by Judge James E. Boasberg on 07/18/2011. (lcjeb2) (Entered: 07/18/2011)
07/18/2011		Set/Reset Hearings: The Status Conference previously set for 7/21/2011 at 11:00 AM is VACATED and RESCHEDULED for 7/28/2011 at 10:00 AM in Courtroom 19 before Judge James E. Boasberg. (ad) (Entered: 07/18/2011)
07/28/2011		Minute Entry for proceedings held before Judge James E. Boasberg: Status Conference held on 7/28/2011. (Court Reporter Lisa Griffith) (ad) (Entered: 07/28/2011)
07/28/2011		MINUTE ORDER: It is hereby ordered that 11cv288 and 11cv1231 are consolidated. The Clerk's Office shall close 11cv1231 and transfer whichever parties are not the same to 11cv288; the parties shall file all filings only in 11cv288 and shall NOT elect to spread text when filing on ECF, as this will result in repetitive docketing. FURTHER ORDERED that Defendant Department of Agriculture shall Answer Defendant–Intervenor Aurora Dairy Corporation's

		counterclaim and Plaintiff Whitewave Foods Company's complaint on or before September 8, 2011. FURTHER ORDERED that the parties shall submit a joint briefing schedule on or before September 22, 2011. Signed by Judge James E. Boasberg on 7/28/2011. (lcjeb3) (Entered: 07/28/2011)
07/29/2011		MINUTE ORDER denying as moot <u>10</u> Motion for Order of briefing schedule and denying as moot <u>11</u> Motion to Stay in light of the Court's Order on July 28, 2011. Signed by Judge James E. Boasberg on 7/29/2011. (lcjeb3) (Entered: 07/29/2011)
09/08/2011	<u>19</u>	ANSWER to Complaint (<i>Answer to Aurora Dairy Cross-Claim</i> by UNITED STATES DEPARTMENT OF AGRICULTURE.(Ross, Carl) (Entered: 09/08/2011)
09/08/2011	<u>20</u>	ANSWER to Complaint (<i>Answer to White Wave Complaint</i>) by UNITED STATES DEPARTMENT OF AGRICULTURE.Associated Cases: 1:11-cv-00288-JEB, 1:11-cv-01231-JEB(Ross, Carl) (Entered: 09/08/2011)
09/22/2011	<u>21</u>	STATUS REPORT by AURORA DAIRY CORPORATION. (Kiser, Livia) (Entered: 09/22/2011)
09/23/2011		MINUTE ORDER: Pursuant to the <u>21</u> Joint Status Report filed September 22, 2011, the Court ORDERS that parties shall submit a further status report by November 17, 2011. Signed by Judge James E. Boasberg on 9/23/2011. (lcjeb2) (Entered: 09/23/2011)
09/23/2011		Set/Reset Deadlines: Parties shall submit a further status report by 11/17/2011. (ad) (Entered: 09/23/2011)
10/27/2011	<u>22</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to CENTER FOR SCIENCE IN THE PUBLIC INTEREST. Attorney Michael H. Page terminated. Associated Cases: 1:11-cv-00288-JEB, 1:11-cv-01231-JEB(Rosenbaum, Adina) (Entered: 10/27/2011)
11/17/2011	<u>23</u>	STATUS REPORT by AURORA DAIRY CORPORATION. (Kiser, Livia) (Entered: 11/17/2011)
11/17/2011		MINUTE ORDER: Consistent with parties' <u>17</u> Joint Status Report, the Court ORDERS that parties shall file a further Status Report by January 31, 2012. Signed by Judge James E. Boasberg on 11/17/2011. (lcjeb2) (Entered: 11/17/2011)
11/18/2011		Set/Reset Deadlines: Parties shall file a Further Status Report by 1/31/2012. (ad) (Entered: 11/18/2011)
01/31/2012	<u>24</u>	STATUS REPORT by AURORA DAIRY CORPORATION. (Kiser, Livia) (Entered: 01/31/2012)
01/31/2012		MINUTE ORDER: Consistent with the parties' <u>24</u> Joint Status Report, the Court ORDERS that parties proceed in accordance with the schedule outlined in their <u>24</u> Status Report and submit a further Status Report by June 29, 2012. Signed by Judge James E. Boasberg on 1/31/2012. (lcjeb2) (Entered: 01/31/2012)
02/02/2012		Set/Reset Deadlines: Joint Status Report due by 6/29/2012. (ad) (Entered: 02/02/2012)
06/29/2012	<u>25</u>	STATUS REPORT by AURORA DAIRY CORPORATION. (Kiser, Livia) (Entered: 06/29/2012)
06/29/2012		MINUTE ORDER: Consistent with the parties' <u>25</u> Joint Status Report, the Court ORDERS that parties submit a further Status Report by September 21, 2012. Signed by Judge James E. Boasberg on 6/29/2012. (lcjeb2) (Entered: 06/29/2012)
07/02/2012		Set/Reset Deadline: Parties shall submit a Further Status Report by 9/21/2012. (ad) (Entered: 07/02/2012)
09/07/2012	<u>26</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to AURORA DAIRY CORPORATION. Attorney Alison Suthers terminated. (Suthers, Alison) (Entered: 09/07/2012)

09/21/2012	<u>27</u>	STATUS REPORT by AURORA DAIRY CORPORATION. (Kiser, Livia) (Entered: 09/21/2012)
09/21/2012		MINUTE ORDER granting the parties' request in <u>27</u> Joint Status Report to file a further status report. The Court ORDERS that the parties shall file another Joint Status Report by October 19, 2012, unless the proceedings have been resolved beforehand. Signed by Judge James E. Boasberg on 9/21/2012. (lcjeb2) (Entered: 09/21/2012)
09/21/2012		Set/Reset Deadlines: Parties shall file another Joint Status Report by 10/19/2012. (ad) (Entered: 09/21/2012)
10/15/2012	<u>28</u>	STIPULATION of Dismissal <i>with Prejudice</i> by CENTER FOR SCIENCE IN THE PUBLIC INTEREST. (Rosenbaum, Adina) (Entered: 10/15/2012)
10/16/2012		MINUTE ORDER: Given <u>28</u> the parties' Stipulation, the Court ORDERS that the case is DISMISSED WITH PREJUDICE. Signed by Judge James E. Boasberg on 10/16/2012. (lcjeb2) (Entered: 10/16/2012)